

USOE Official IT Policies and Procedures	
Policy: Guidelines for Disciplinary Action	Page: 1 of 3
Subject: Information Technology Inappropriate Use Guidelines for Disciplinary Action	Data Modified: 10/13/08
Purpose:	

The following are guidelines that will be considered by Human Resources when recommending possible disciplinary or other action for inappropriate use of State computers or not complying with the **USOE Confidentiality Agreement and Acceptable Use Policy**, <http://www.schools.utah.gov/computerservices/Policies/USOEConfAgrmntAUP.pdf>.

These guidelines are an aid to determine appropriate action by management; they are not intended to be a policy or rule, since each situation is unique and may need to be treated differently. Where the pronoun "he" is used, it is intended to be gender neutral. The State Information Technology policy provides additional guidance on use of these resources. "Inappropriate use" for purpose of this guideline may include viewing, receiving, or sending images, statements, or other material that may be considered to be offensive to others.

Factors to Consider in Determining Appropriate Level of Discipline

- How much time has the employee taken away from his job duties to participate in inappropriate activities? Did these activities or images make reference to employees' race, religion, sex, color, national origin, or disability?
- Did the employee in question only view the inappropriate content or did co-workers inadvertently see them.
- Did the employee freely share inappropriate content with others, thus contributing to their wasting time, etc?
- How inappropriate were the image that were viewed? For example: sexual statements only, soft pornography, hard pornography, children, etc. Note: If any children are involved, we are required to contact law enforcement officials.
- Did the employee freely, accidentally, or by not complying with security policy directives, expose or share confidential or protected data (student, teacher & employee records) with others, thus contributing to FERPA or GRAMA violation(s).
- Does the employee have a position of trust? This may include IT professionals, supervisory and management employees, and others in positions of trust. Employees in these positions may be judged against a higher standard, than those in less responsible positions.
- Is this a new employee who is in his probationary period?
- Did the employee attempt to hide or cover-up his involvement in the inappropriate activity?
- Is this a repeat offense? If so, how long has it been since the prior situation?
- Are there other factors that should be considered in this specific instance?

Considerations for Discipline

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When should management not take any formal action?

- There was no verification of inappropriate action.

When should a **Verbal Warning** be considered?

- The employee was not directly involved.
- It was a first offense.
- There was no impact on others.

When should a **Written Warning or Written Reprimand** be considered?
(Only one of these considerations needs to be met.)

- This is a first time offense and the content of material is not pornographic.
- The amount of time spent on this inappropriate activity is minimal.
- Co-workers were not inadvertently subjected to inappropriate images.
- The material was not shared extensively with other willing participants.
- The shared or exposed confidential data were of very small volume and not highly exposed

When should a **Suspension** be considered?
(Only one of these considerations needs to be met.)

- This is a first time offense and the content of material is pornographic.
- The amount of time spent on this inappropriate activity is extensive.
- Co-workers were inadvertently subjected to inappropriate images.
- The material was repeatedly shared with other willing participants.
- The shared or exposed confidential data were of large volume and/or highly exposed.

Factors to determine length of **Suspension**

- How much time did the employee spend on inappropriate activities.
- How much potential liability has the employee's inappropriate actions caused the organization?
- How extensive was the inappropriate activities.
- How many others were involved in it?

When should **Termination** for the first offense be considered?

- When the employee is in a position of trust, and the confidence in the employee has been eroded to the point that he can no longer function in his position.
- When there has been extensive involvement in

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(Only one of these considerations needs to be met.)

pornography.

- When the inappropriate activities have involved children, solicitation in chat rooms, or similar actions.
- If the employee is in a probationary status, do mitigating reason exist to retain the employee?

When should a **Termination** be considered on a 2nd or subsequent offense?
(Only one of these considerations needs to be met.)

- If the behavior continued after receiving prior discipline for the same, or similar inappropriate actions.
- If the liability to the organization increased due to the repeat nature of the infraction.
- If the person, irrespective of position, has lost the trust of leaders to the point that he can no longer function in his position.
- A mitigating factor may be if there was a repeat violation, but it was minor, did not involve others, and there was a significant amount of time between infractions.
- If the employee is not terminated on the second offense, he should receive a notice that any repeat violations will very likely result in termination of employment.